



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**

75 Hawthorne Street  
San Francisco, CA 94105

Via UPS Priority Overnight / Express Mail

**JAN 06 2017**

Mr. Jeff Cast  
Water and Hazardous Waste Specialist  
Dow Chemical Company  
901 Loveridge Road  
Pittsburg, CA 94565

**RE: Notice of Violation**  
**Dow Chemical Company, EPA Identification Number CAD076528678**

Dear Mr. Cast:

U.S. Environmental Protection Agency (EPA) Region 9 Enforcement Division inspectors conducted a Compliance Evaluation Inspection (CEI) at the Dow Chemical Company in Pittsburg, California on April 4-8, 2016. The purpose of the inspections was to evaluate Dow Chemical Company's compliance with the Resource Conservation and Recovery Act's (RCRA) hazardous waste management requirements, 42 U.S.C. §§ 6921-6939, and the implementing regulations; and the California Code of Regulations (CCR), Title 22, Division 4.5 and the California Health and Safety Code (HSC), Division 20; and specific Hazardous Waste Facility Permit (Permit) provisions. Under Section 3006 of RCRA, 42 U.S.C. § 6926, the violations of the State of California's authorized RCRA hazardous waste management program identified in the attached report are federally enforceable.

A copy of the RCRA CEI report is enclosed for your information and response. The CEI report describes conditions at the facility at the time of inspection, and identifies areas of noncompliance with RCRA regulations and potential violations of the State of California's authorized program under RCRA Subtitle C. In addition, the reports may identify other potential non-RCRA violations at the facility. Please note that omissions in the CEI reports shall not be construed as a determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and EPA's Civil Monetary Penalty Inflation Adjustment Rule, 81 Fed. Reg. 43091 (July 1, 2016), violations of RCRA hazardous waste management requirements that (1) occurred on or before November 2, 2015; or (2) occurred after November 2, 2015, where the penalty assessment is made before August 1, 2016, may be punishable by civil penalties of up to \$37,500 per day for each day such violation continues. Violations that occurred after November 2, 2015, where the penalty assessment is made after August 1, 2016, may be punishable by civil penalties of \$70,117. EPA requests that you submit documentation that you have corrected each of the potential violations identified in the enclosed RCRA CEI report within **thirty (30) calendar days** of your receipt of this letter.

Documentation of corrective actions taken by the Dow Chemical Company to address the potential violations identified in the CEI reports may consist of, among other things, photographs, manifests, and revised records.

**Confidential Business Information:** EPA regulations governing the confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If the Dow Chemical Company believes this letter contains information entitled to treatment as confidential business information, please assert a confidentiality claim in accordance with 40 CFR § 2.203(b) within fourteen (14) calendar days from the date of receipt of this letter. Business confidentiality includes the concept of trade secrecy and other related concepts. Your claim must specifically identify the information covered by the claim and should be sent to EPA by certified mail. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of SMR's receipt of this letter as a waiver of that claim and information may be made available to the public by the EPA without further notice. See 40 CFR § 2.203(a)(2).

Additionally, if the Dow Chemical Company believes that any information in your response to this letter is entitled to treatment as confidential business information, please identify any such information and assert a confidentiality claim in accordance with 40 CFR § 2.203(b) in the Dow Chemical Company's response. EPA will construe the failure to make a confidentiality claim when the response is submitted to EPA as a waiver of that claim and information may be made available to the public by the EPA without further notice.

If EPA determines that any information over which the Dow Chemical Company asserts a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B.

If you have any questions regarding this letter and the enclosed inspection reports, please contact Rick Sakow of my staff at (415) 972-3495.

Sincerely,



Douglas K. McDaniel  
Chief, Waste and Chemical Section  
Enforcement Division

Enclosures:

Dow Chemical Company CEI Report with appendices on compact disk

cc: Maria Soria, California Department of Toxic Substances Control (w/o enclosure)  
Diana Peebler, California Department of Toxic Substances Control (w/o enclosure)